



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/581,119	05/30/2006	Johan Cornelis Talstra	NL 031439	5196

24737 7590 09/15/2011
PHILIPS INTELLECTUAL PROPERTY & STANDARDS
P.O. BOX 3001
BRIARCLIFF MANOR, NY 10510

EXAMINER

NGUYEN, HUY D

ART UNIT	PAPER NUMBER
----------	--------------

2627

NOTIFICATION DATE	DELIVERY MODE
-------------------	---------------

09/15/2011

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

vera.kublanov@philips.com
debbie.henn@philips.com
marianne.fox@philips.com

Office Action Summary	Application No.	Applicant(s)	
	10/581,119	TALSTRA ET AL.	
	Examiner	Art Unit	
	HUY NGUYEN	2627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 January 2011.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on ____; the restriction requirement and election have been incorporated into this action.
- 4) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 5) ☒ Claim(s) 1,2 and 5-14 is/are pending in the application.
- 5a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 6) ☐ Claim(s) ____ is/are allowed.
- 7) ☒ Claim(s) 1-2, 5-14 is/are rejected.
- 8) ☐ Claim(s) ____ is/are objected to.
- 9) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 10) ☐ The specification is objected to by the Examiner.
- 11) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 12) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claims 13-14 are rejected under 35 U.S.C. 101 because they are directed to non-statutory subject matter:

Computer readable medium (CRM) having stored thereon a computer program and where the computer readable medium can be transitory. A CRM can be transitory where the disclosure does not explicitly limit the CRM as only being non-transitory computer readable media. A mere list of non-transitory examples would not be explicitly limiting.

Note that the claims must have support in the specification. An amended claim that recites a phrase not supported in the specification raises a question as to whether the claimed phrase has proper antecedent basis in the specification (objection) or has adequate written description (new matter) under 112, 1st paragraph. However, note that adding "non-transitory" to the claim to limit a claimed computer readable medium to being statutory is acceptable.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 13-14 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not

Art Unit: 2627

described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. "Computer readable medium" is not described in the specification .

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-2, 5-12 are rejected under 35 U.S.C. 102(e) as being anticipated by Nagai et al. (U.S. Patent 6,938,162).

7. Nagai teaches a recording carrier having all of the structures as recited in claims 1, 2 and 5-8. For example, Nagai teaches the following:

Regarding to Claim 1, the record carrier 100 (Fig. 1) having key blocks 408 (Fig. 6B; column 15, lines 17 and 18) to enable participating players and recorders to correctly read and store content and to render revoked players and recorders inoperable, the record carrier comprising: a data zone 102 (Figs. 1 and 6B; user data area) including content protection information 408 (Fig. 6B; descramble key); an initial zone 107 (Fig. 1); and a main channel 403 (Fig. 4; main data) for storing content (main user data) in the data zone 102 and a side channel 402 (Fig. 4; header) for storing address information 405 and data 406 relevant for making recordings (Fig. 4; column 12, lines 32-40), wherein the content protection information 408

Art Unit: 2627

comprises a pointer (key index) to a location 107 (Fig. 5) of a copy of the key block 501 stored in the initial zone 107, the key block 408 used for protection of the content is stored in the side channel 402 (Fig. 4).

Regarding Claim 2, the content protection information 408 comprises the key block 408 and the pointer 503 (Figs. 4 and 5).

Regarding Claim 5, the content protection information 408 is stored as a part of the address information 402 (Fig. 4; header includes address and key index).

Regarding Claim 6, the record carrier 100 is selected from a DVD+R disc and a DVD+RW disc and said side channel is an ADIP side channel (column 54, lines 31-45, header written in address in pre-groove/ADTIP is an inherent feature of a DVD standard).

Regarding Claim 7, the record carrier is selected from a DVD-R disc and a DVD-RW disc and said side channel is a LPP side channel (column 54, lines 31-45, header written in address in land pre-pit/LPP is an inherent feature of a DVD-R standard).

Regarding Claim 8, the carrier 100 (Fig. i0 further comprising a buffer zone i01, 107 (lead-in), wherein the record carrier i00 is a DVD and the copy of the content protection information 501 is stored in the buffer zone 107 of the record carrier (Fig. 5).

8. Method claim 9 is drawn to the method of using the corresponding apparatus claimed in claim i. Therefore method claim 9 corresponds to apparatus claim 1 and is rejected for the same reasons of anticipation as used above.

9. Claim 10 has limitations similar to those treated in the above rejection, and is met by the reference as discussed above.

Art Unit: 2627

10. Claim 11 has limitations similar to those treated in the above rejection, and is met by the references as discussed above. Claim 11 however also recites the following limitations which are also taught in the prior art of Nagai:

Regarding to Claim 11, means for reading out of the protected content, means 702 (Fig. 7) for reading out of content protection information and means 707 for decrypting said content using the content protection (Fig. 7).

11. Method claim 12 is drawn to the method of using the corresponding apparatus claimed in claim 11. Therefore method claim 12 corresponds to apparatus claim 11 and is rejected for the same reasons of anticipation as used above.

Claim Rejections - 35 USC § 103

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claims 13 and 14 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Nagai et al. (U.S. Patent 6,938,162) in view of Ciacelli et al. (U.S. Patent 6,236,727).

Regarding Claim 13, Nagai teaches a computer controlled record carrier player very similar to that of the present invention. For example, Nagai teaches the following: a computer 710 using a record carrier 100 (Fig. 1) having protected content (encrypted data), the record carrier 100 having a data zone 102 including content protected information 403 (Fig. 4; user data) and an initial zone 107 (Fig. 1) and comprising and a main channel 403 (Fig. 4; main data)

Art Unit: 2627

for storing content (main user data) in the data zone 102 (Fig. 1) and a side channel 402 (Fig. 4; header) for storing address information 405 and data 406 relevant for making recordings (Fig. 4; column 12, lines 32-40), the computer performs (Fig. 7; optical disk is controlled by a CPU) storing content in a main channel of the data zone 102/401 (Fig. 4; main information in zone 102 contains sector 401), storing address information and data relevant for making recordings in a side channel of the data zone 102/401 (Fig. 4; header 402); and storing the content protection information 408 comprises a pointer (key index) to a location 107 (Fig. 5) of a copy of the key block 501 stored in the initial zone 107, for protection of the content stored in the side channel (side information stored in 408) in a pregroove (header) in a data zone 102 (Fig. 1; pre-grooves are recordable tracks), wherein the content protection information 408 is used for protecting the content (Fig. 4; main user data is protected).

However, Nagai does not teach the following:

a non-transitory computer program stored on a computer readable memory medium causing the computer to perform the above acts/steps.

Ciacelli teaches a non-transitory computer program stored on a computer readable memory medium, the computer program causing a computer to perform disk operations when the computer program is run on a computer (Fig. 1).

To perform an optical disk operations such as recording/reproducing data, a set of procedures are written accordingly and then stored in a memory medium/device in order to control a variety of disk operation. In such case, although the prior art of Nagai does not disclose that his disk read/write is controlled by a computer program, it would have been obvious to one of ordinary skill in the art to use Ciacelli's computer control means having non-transitory disk

Art Unit: 2627

operating procedures/programs stored in a computer readable memory in Nagai's optical disk apparatus, because the non- transitory procedures/program can be written to performs various disk controlled operations by updating the procedures/programs instead of changing the disk electrical circuits.

Regarding Claim 14, Nagai in view of Ciacelli further teach that decrypting the content using the content protection information; and outputting the decrypted (authorized) content (Fig. i0; key is being read and data is authorized to read/copy).

Conclusion

14. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HUY NGUYEN whose telephone number is (571)272-7845. The examiner can normally be reached on M-F.

Art Unit: 2627

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph H. Feild can be reached on 571-272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Joseph Haley/
Primary Examiner, Art Unit 2627

/HUY NGUYEN/
Examiner, Art Unit 2627